

REMARKS

The Office Action of August 19, 2005 has been carefully reviewed and the foregoing amendment has been made in response thereto, thereby defining the present invention more clearly and distinguishing it more positively from the prior art. A Request for Continued Prosecution (RCE) and the required fee are filed herewith. For these reasons and those set forth in detail below, favorable reconsideration and early allowance of the claims is courteously requested.

The specification is amended to correct informal typographical and grammatical errors and to correct numerous unit conversion errors. Unit conversion errors are corrected without changing the original dimensions or weights. No new matter has been added to the specification. A substitute specification is submitted herewith. An annotated copy of the original specification showing each amendment made to the original specification during the prosecution of this application is submitted herewith.

Applicants representative wishes to apologize to the Examiner for the errors in the specification and in the claims presented in the previous amendment. The extra efforts made by the Examiner to point out the errors and to provide a thorough examination of the application are appreciated. The specification and claims presented herein have been carefully reviewed to ensure that the application is in condition for allowance.

Claims 14-16 and 19-24 are pending in the application and all claims stand finally rejected. The application is amended herein to cancel claims 15, 21 and 23 and to amend claims 14, 19, 20 and 24. New claims 25 - 47 are added herein.

Claims 14 - 16 and 19-24 stand rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Claims 14, 19, 20 and 24 are amended herein to comply with the written description. Claim 15 is canceled. In claim 14, the spherical element diameter range of 25.4 to 50.8 mm, (1.0 to 2.0 inches) has been changed to a range of 38.1 to 76.2 mm, (1.5 - 3.0 inches) to agree with the spherical element diameters listed in TABLE 1 of the specification. In claim 19, the weight ranging from 227 to 1815 grams has been changed to a range of 226.8 to 1814.4 grams, the diameter ranging from 33 to 89 mm has been changed to a range of 38.1 to 76.2 mm,

(1.5 to 3.0 inches) and the weight of 1000 grams (35.2 ounces) has been changed to 1077.3 grams, (38 ounces). Each of the amended ranges and values agree with the weights and diameters listed in TABLE 1 of the specification.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Budolfson (5,192,259) in view of Mason (6,059,673). Claim 14 is amended herein to include new limitations not taught or suggested by Budolfson in view of Mason or in any of the prior art of record whether taken alone or in combination. Amended claim 14 sets forth

“a practice surface comprising a smooth flat surface formed on a substantially uniformly thick layer of one of, polyester, urethane foam, polyester with a vinyl facing, neoprene, ethylene vinyl acetone, silicone and polyethylene, and wherein the uniform layer is formed to be sufficiently compliant that it is slightly indented by a spherical element weighing 1814.4 grams, (64 ounces) and further wherein the practice surface is formed with a coefficient of friction between the practice surface and the spherical element ranging from 0.3 to 0.9.”

The new limitations to amended claim 14 are supported in the specification as filed. In particular, the limitation that the uniform layer is formed to be sufficiently compliant that it is slightly indented by a spherical element weighing 64 ounces is disclosed in paragraph 26, (of the substitute specification), which further states that the slight indentation provides one component of roll resistance to the ball. The limitation that the practice surface have a coefficient of friction between the practice surface and the spherical element ranging from 0.3 to 0.9 is disclosed in paragraph 28, (of the substitute specification).

In view of the new limitations added to amended claim 14, it is respectfully submitted that the rejection of claim 14 under 35 U.S.C. §103 (b) as being unpatentable over Budolfson in view of Mason is overcome. Reconsidered and withdrawn are hereby requested.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Budolfson (5192259). Claim 19 is amended herein to include new limitations not taught or suggested by Budolfson, nor by any of the other prior art of record whether taken alone or in combination. The Examiner correctly states that Budolfson shows that it is desirable for training purposes to have ball(s) ranging in weight and size but does not

expressly disclose providing a plurality of spherical elements each having a different weight to hockey puck ratio and having a different diameter and that Budolfson discloses an approximate weight range for the balls (2.5 pounds to 4.0 pounds) and diameter range (2.5 to 3.0 inches). Applicant wishes to emphasize that that the exercise system of Budolfson is for strengthening the wrists and hands. Budolfson specifically discloses that “a key element of the system is the heavy weight of the ball 22 which is much heavier than a standard hockey puck; this weight facilitates the desired strengthening,” (Col. 2 lines 12-15).

In contrast to the system of Budolfson, amended claim 19 specifically sets forth a practice kit that includes four solid steel balls with at least one of the four solid steel balls having a diameter of 2.0 inches, or less, and a weight of 8 ounces, or less. The specific limitation that one ball weight 8 ounces or less provides a ball that weighs one fifth the weight of the lightest steel ball disclosed by Budolfson, (2.5 pounds). Nothing in the disclosure of Budolfson suggests the desirability of including a steel ball weighing 8 ounces or less in an exercise system.

Applicants amended claim 19 provides a training kit that includes a spherical element, (2.0 inch or less in diameter and 8 ounce or less in weight) that is used for increasing stick handling speed and control. Applicant specification discloses a ball D, (8 ounces and 1.5 inch diameter in TABLE 1), that is specifically designed to increase (stick handling) speed and control during practice sessions. The specification states, “the ball D is just slightly heavier than a conventional hockey puck having a device weight to hockey puck weight ratio of 1.3” and “the ball D has a diameter of 1.5 inches which most closely matches the stick to ball contact feel of stick handling a conventional hockey puck.” (See Paragraph 37 of the substitute specification).

In view of the new limitations added to amended claim 19, it is respectfully submitted that the rejection of claim 19 under 35 U.S.C. §103 (b) as being unpatentable over Budolfson is overcome. Reconsidered and withdrawn is hereby requested.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Budolfson in view of Nudo. Claim 20 is amended herein to include new limitations not taught or suggested by Budolfson in view of Nudo, nor by any of the other prior art of record

whether taken alone or in combination. In particular, claim 20 provides a hockey stick handling practice kit that includes:

“a practice surface comprising a smooth flat surface formed on a substantially uniformly thick layer of one of, polyester, urethane foam, polyester with a vinyl facing, neoprene, ethylene vinyl acetone, silicone and polyethylene, and wherein the uniform layer is formed to be sufficiently compliant that it is slightly indented by a spherical element weighing 1814.4 grams, (64 ounces) and further wherein the practice surface is formed with a coefficient of friction between the practice surface and the spherical element ranging from 0.3 to 0.9”

Nudo discloses a hockey practice device made of synthetic ice such as polyethylene for placing on a driveway or street surface so that a player may place a conventional hockey puck onto the practice device and strike the puck into a net using a conventional hockey stick, (See Col 2, lines 13 - 27). While this is similar to applicants' hockey stick practice kit, Applicants amended claim 20 sets forth limitations that are patentably distinct with respect to the Nudo disclosure. In particular, amended claim 20 includes the limitation that the uniform layer is sufficiently compliant that it is slightly indented by a spherical element weighing 1814.4 grams, (64 ounces). Paragraph 26 of the substitute specification states that the preferred material for the mat is compliant such that the practice surface is slightly indented by the weight of each of the steel balls, or at least by the weight of the heaviest practice ball A;” and, “this slight indentation provides one component of roll resistance to the ball, especially for the heaviest balls A and B.” No such limitation is taught or suggested by Nudo or any of the prior art of record, whether taken alone or in combination.

Amended claim 20 also includes the limitation that the practice surface is formed with a coefficient of friction between the practice surface and the spherical element ranging from 0.3 to 0.9. Paragraph 27 of the substitute specification states that a “characteristic of the practice surface is that the surface friction is high enough to prevent sliding motion of the practice balls;” and, “if the practice surface has low friction, e.g. ice, the ball will slide instead of roll.” While Nudo never discloses a coefficient of friction of the synthetic ice surface, Applicant has earlier argued that the coefficient of friction of the “synthetic ice” is similar to the coefficient of ice used for skating, which

has been measured to be in the range of, 0.0046 - 0.0059. (See De-Konin-jj, De-Groot-G, Van-Ingen-Schenau-GJ "Ice friction during speed skating" Journal of Biomechanics 25, 6 (June 1992): 565-71). Applicant respectfully submits that nothing in the Nudo disclosure suggests the desirability of providing a practice surface with a coefficient of friction in the range of 0.3 to 0.9, or with a coefficient of friction that is high enough to prevent sliding motion of a practice ball or puck used on the surface.

In view of the new limitations added to amended claim 20, it is respectfully submitted that the rejection of claim 20 under 35 U.S.C. §103 (b) as being unpatentable over Budolfson in view of Nudo is overcome. Reconsidered and withdrawn are hereby requested.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Budolfson in view of Chiarelli. Claim 21 is canceled without prejudice.

New claims 25 - 47 added herein are patentably distinct over the prior art of record because each new claim includes limitations that are not taught or suggested by the prior art of record whether taken alone or in combination. New claims 26 and 27 depend from amended claim 14, which for the reasons stated above is patentably distinct over the prior art of record. Accordingly, new claims 26 and 27 further distinguish over the prior art of record. New claim 25 depends from amended claim 19, which for the reasons stated above is patentably distinct over the prior art of record. Accordingly, new claim 25 further distinguish over the prior art of record.

New claims 28 - 35 are directed to a hockey stick handling kit that includes a practice mat comprising a substantially uniformly thick layer of a compliant material that is slightly indented by a spherical element weighing 1814.4 grams, (64 ounces) and this limitation is not disclosed or suggested by any of the prior art of record whether taken alone or in combination.


New claims 37 - 47 are directed to a hockey stick handling training kit that includes a practice mat with a practice surface formed with a coefficient of friction between the practice surface and the spherical element ranging from 0.5 to 0.9 and this limitation is not disclosed or suggested by any of the prior art of record, whether taken alone or in combination.

It is respectfully submitted that in view of the foregoing amendments the present application is in condition for allowance. Early notice thereof is hereby earnestly requested.

If the Examiner feels that any further discussion of the invention would be helpful, perhaps in the form of an Examiner's Amendment, applicant's representative is available at 781 938-9169 and earnestly solicits such discussion.

Respectively submitted,

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